

REMARKS

In accordance with the foregoing, claim 1 has been amended. Claims 1-14 and 16 are pending and under consideration.

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

The Examiner is kindly reminded that this amendment is being filed within two months from the mailing date of the final Office Action, which was mailed on January 14, 2010 (March 14, 2010 being a Sunday).

This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because the amendment does not significantly alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejection under 35 U.S.C. § 102

In the Office Action, claims 1-14 and 16 were rejected under 35 USC § 102(b) as being anticipated by Nixon et al. (“Nixon”, U.S. Patent No. 6,032,208).

Claim 1 recites:

automatically creating the technology module by allocating at least one signaling functional element, **at least one archive data functional element that archives state or process data of the process element over a predetermined period of time**, and at least one picture functional element to the process element based on the selected type of the at least one process element.

As such, the archive data functional element of claim 1 represents state or process data of the process element that has been archived over a predetermined period of time (see paragraph [013] of the specification). In rejecting claim 1, the Examiner indicates that this feature is disclosed by Nixon at col. 25, lines 29-33. However, this is submitted to be incorrect. Nixon, at col. 25, lines 29-33, merely discloses that there is a time frame in which a user can view parameters for a display, such as parameters for how to display something on a screen. This is further supported by Fig. 12 of Nixon, wherein in the element 1130, the last feature is labelled "tune view 30 sec". However, this disclosure in Nixon does not correspond to the claim feature of "automatically creating ... at least one archive data functional element that archives state or process data of the process element over a predetermined period of time, and ... process element." Therefore, it is respectfully submitted that claim 1 distinguishes over Nixon for at least this reason.

Furthermore, claim 1 has been amended to recite:

wherein the technology module and the at least one signaling element, archive data element and picture element are stored as a logically connected unit at a specific memory location.

As such, at least one signaling element, archive data element and picture element can be found together with the technology module at a specific memory location, so that no separate memory locations have to be registered. It is respectfully submitted that this feature of claim 1 is not taught by Nixon.

Since Nixon does not discuss or suggest all of the features of claim 1, claim 1 patentably distinguishes over Nixon. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Claims 2-14 and 16 depend either directly or indirectly from claim 1, and include all the features of claim 1, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claims 2-14 and 16 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 102(b) rejections is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

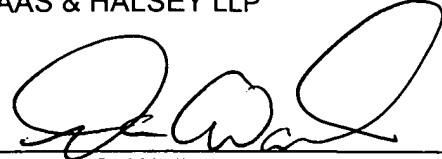
Serial No. 10/796,196

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 3-15-10

By: 
Aaron C. Walker
Registration No. 59,921

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501